

Baroness Andrews: My Lords, it was an excellent debate. I can confirm that we are seriously attending to the target that we have set ourselves of a 20 per cent reduction in energy consumption by households by

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2010. The Building Regulations Part (I) amendments that will come into effect on 6 April 2006 will mean that householders in new dwellings will on average produce about 20 per cent less carbon dioxide as a result of reduced energy consumption on space heating, water and lighting. Indeed we have recently set up a review of our housing stock of 22 million dwellings to look at ways in which we can encourage and enable better forms of energy saving in those homes.

Lord Ezra: My Lords, have the Government given any further consideration to the reduction of VAT on home improvement, bearing in mind that eight other EU countries have successfully introduced such a measure? Nearer home, it has also been working successfully in the Isle of Man.

Baroness Andrews: My Lords, I know that this is of interest on the Liberal Benches, but such a broad-based reduced rate for all domestic repair work would not be efficient or well-targeted. We have chosen to introduce more targeted reduced rates in support of regeneration and domestic energy efficiency objectives, such as residential conversions that create new homes through the better use of existing housing stock and the renovation of housing that has been empty. I am afraid that I will have to disappoint the noble Lord at the moment.

Children and Adoption Bill [HL]

3.6 pm

Report received.

Baroness Morris of Bolton moved Amendment No. 1:

Before Clause 1, insert the following new clause—

"PRESUMPTION IN FAVOUR OF CO-PARENTING

"CO-PARENTING

After section 1(1) of the Children Act 1989 (c. 41) (welfare of the child) insert—

"(1A) In respect of subsection (1)(a) the court shall, unless a good reason to the contrary be shown, act on the presumption that a child's welfare is best served through residence with his parents and, if his parents are not living together, through sole residence with one parent or shared residence with both of them and through both of them being as fully and equally involved in his parenting as possible.""

The noble Baroness said: My Lords, I thank the noble Baroness, Lady Ashton, for the full and frank meeting that we had last week; I am especially grateful to her for the mountain of extra reading that she provided. I also thank the noble Lord, Lord Adonis, for his detailed letters following Committee stage. With Amendments Nos. 1 and 8, we return to the lively and important debate that we had in Committee. Our Amendment No. 18 addresses the crucial importance to children of their extended family.

"Both parents are equal and both should continue to have a meaningful relationship with their children following separation, so long as it is safe and in the child's best interests".

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Those are not my words but the view expressed by the Government in their Green Paper on parental separation. Yet the reality for too many parents is that they face too many battles within our family law system to achieve the positive outcomes that they so desperately want for their children. That was never the intention of the Children Act 1989. In his opening speech on that Bill in your Lordships' House in December 1988, my noble and learned friend Lord Mackay of Clashfern, in his valued role of Lord Chancellor, said:

"The Bill will, in particular, establish a framework of rights and responsibilities with which to see that children in need receive the care, upbringing and protection they require, and that parents and others with an interest in the child can play a full part in those crucially important decisions".—[*Official Report*, 6/12/88; col. 496.]

The intention of the Bill was to take the rancour out of proceedings and to encourage both parents to share in their children's upbringing even after separation or divorce. But as I said in Committee, over the weeks and months since Second Reading we have built up a picture of an outdated family law system that leaves the impression that if you get the best lawyer you can have the house, keep the kids and airbrush the non-resident parent out of your life. Many professionals in the family law world now think that the pendulum has swung too far. So we have retabled our amendment on the legal presumption of co-parenting. I can fully understand why there is anxiety at that. There is a concern to prevent any weakening of the fundamental principle that a child's welfare will be the paramount consideration. Not only do we understand, but we share that anxiety and it is not our intention to weaken that fundamental principle in what we propose.

What we propose is entirely consistent with that paramount consideration. Our amendment springs from our belief that where safety is not an issue, a child has a right to a full and meaningful relationship with both his or her parents. My noble friend Lord Howe and I would not stand here and move our amendments on co-parenting and reasonable contact if we thought for one moment that we were putting one child in danger. It is for that reason that the safety side of this debate is so crucial and why we have tabled a robust amendment on this issue.

Amendment No. 1 is also about the responsibilities of a non-resident parent. A good and loving parent is no less that after the breakdown of a relationship and separation. A good and loving parent is therefore entitled to the fullest part in the upbringing of his or her child as is possible. Such a parent is entitled to the knowledge, the hope and the security that this amendment would bring—that there is a presumption that he or she will be able to discharge their parental responsibilities toward their children, a presumption enshrined in statute, and in a way which would require a court in each case to give clear reasons why a parent is to be restricted or denied the exercise of parental responsibility. We cannot see how this is, or should be, controversial.

Clearly the presumption which we propose would be displaced if a contrary reason was shown. I shall take an extreme example. No one would suggest that a

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persistent and physically or mentally abusive parent would enjoy substantial, or indeed any, contact. In such a case, the safety of the child is a real issue. The very behaviour of such an inadequate parent could of course amount to a contrary reason. The behaviour of such a parent would demonstrate an inability to exercise parental responsibility, which would either restrict or deny that parent any involvement in parenting whatsoever.

While we say that our amendment should not be controversial it clearly is. There are those who think that we want to tear children down the middle. As the Minister stated in Grand Committee,

"calling for a presumption of full and equal involvement by both parents in the upbringing of their children after separation undermined the paramountcy principle".—[*Official Report*, 11/10/05; col. GC 7.]

I will repeat what I said at Second Reading and in Grand Committee. Co-parenting is not equal parenting in the way the Minister continually seeks to describe it. We do not see children as a possession to be shared out like a record collection. This amendment simply recognises the benefit to a child of a meaningful relationship with both his parents. This is a fundamental right of the child.

There are other benefits too. As I was driving to the House last Monday, throughout the morning Radio Five Live was broadcasting a piece about the failure of the Child Support Agency. As I heard the piece for about the fourth time, I could not help thinking that if parents were obliged to maintain some link for the sake of their children then financial problems might not be quite so bad. Later that day, while researching something for this Bill, I came across an article from 27 January 2004 on the *Times* online. It was an interview with David Levy, president of the United States Children's Rights Council who was over here to discuss shared parenting. He said that the benefits of shared parenting were not just in fewer costly disputes going to court, but in increased child support payments and the Consensus Bureau statistics showed that fathers with shared parenting rights paid twice the amount that fathers with no contact do.

There are also controversies about the amendment. Others ask why we press on with it when, within the present statutory framework, a court is able to—and courts do—take account of all parties including the non-resident parent. Why muddy the waters with the amendment? We all know that, when relationships break down, there is often bitterness—even hatred—between fundamentally decent people who carry the scars of emotional battles, will not forget, and all too often cannot bring themselves to acknowledge that their former husband, wife or partner should have any contact with their children. Any child is not only entitled to the fullest possible access to each parent, whatever the residual bitterness between them, but to each child's family—to feel a full part of that family. That is a privilege that should not be lightly denied.

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A separated parent should not have to prove a right to contact, nor have to prove to a court's satisfaction the extent of that contact. Parents accepted as fit—as good and loving parents—during their relationship do not, whatever the issues between them, become unfit on separation. The amendment recognises that and requires as full and equal an involvement in parenting as possible. It is only if that presumption is displaced on the balance of probabilities that, in the interests of the child, a parent will be denied responsibility for the upbringing of the child. That is right and fair. The principle demands statutory force, to the mutual benefit of children and their separating parents. The signal will be clear. The best parent for a child is both parents.

We have tabled Amendment No. 8 because it is important that the contact that a child has with his both his parents is not only reasonable—my noble friend Lord Howe will talk about that shortly—but frequent and continuous. I cited the case in Committee of a mother who, despite being in receipt of two contact orders, had been to court 35 times and spent £70,000, but still did not see her sons. After such a gap, she fully realises that the judge will have to possess the wisdom of Solomon. A recent IPPR pamphlet, *Daddy Dearest?*, cites research that shows that contact needs to be designed in such a way that father and child regularly experience a range of activities together—bedtimes, mealtimes, watching TV, doing homework, trips out, "hanging"

in, and visiting friends and family. All that is important because, once a parent is disempowered, the links begin to unravel.

That leads me to Amendment No. 18 on the desirability of contact between the child and his extended family in the absence of good reason to the contrary. The group that we really have in mind is grandparents. At Second Reading, I described them as,

"unpaid childminder, cook, taxi driver, nurse, marriage guidance counsellor and overdraft facility. And yet, overnight, their relationship with a much cherished grandchild can be ended".—[*Official Report*, 29/6/05; col. 255.]

They are the innocent party in the whole proceedings. A project funded by the Department of Health between 1996 and 1999 called Care and Family Life in Later Childhood found that grandparents emerged as important figures. They were considered by children to be important in symbolic, practical and expressive ways. Children also held their aunts and uncles in high regard, especially their blood-related ones. The family is the most immediate and important group within which people share responsibility for one another's well-being. It is the very foundation for the good and just society that we all desire.

It is time for the rhetoric to stop. We need radically to reshape our family law system. We need to effect a culture change in attitudes to parenting, and to use

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legislation to send an important signal that extended families matter, and that the best parent for a child is both parents. I beg to move.